

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
June 15, 2015

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, June 15, 2015, Commissioner Marsha Dennis presiding. The meeting was held at Columbine Valley Town Hall, No. 2 Middlefield Road, Columbine Valley, CO 80123. A quorum was declared present at 7:01 p.m.

PRESENT	Mayor	Rick Pilgrim - absent
	Trustees	Merle McKittrick
		Gary Guilford - absent
		Carrie McLaughlin
		Anne Justen
		Jane Carlson
		Marsha Dennis
	Attorney	Jack Reutzel
	Clerk/Treasurer	Karen Reutzel
	Police Chief	Chief Bret Cottrell
	BMOI Rep.	Chris Murdy
	Public	John Spofford

The meeting was called to order by substitute Mayor Pro Tem Marsha Dennis. Mayor Pilgrim and Mayor Pro Tem Guilford were unable to attend.

Public Comment:

Resident John Spofford at 5020 Bow Mar Drive spoke about a property boundary issue with their adjacent neighbors and referred to a letter sent to the Trustees and their neighbors. The resident stated that they would like to correct an issue with the property boundaries and stated his position that their historic fence represents their property line. He also said they don't want to see any construction upon adjacent property within the setback of the property boundary without a variance. He said there is a proposal to build a structure next door (Bem) within what they claim is the 40-foot setback. He asked the Town not to issue any building permit for a structure within the claimed setback without a variance. Town Attorney Reutzel stated that any applicant for a building permit has the burden of proving their property boundaries. He also noted that it appears that the resident is making a claim of adverse possession that needs to be made to a Court, not to the Town, which has no jurisdiction on such issues.

Public Hearing - Public Hearing and Possible Board Action regarding Ordinance No. 301, Amending Section 16-2, Definition of Garage. Town Attorney Reutzel introduced the Ordinance and noted that it has been properly posted and published. He reported that the Mayor would prefer to have the Public Hearing continued until July when the full

Board could be present. He explained the Board's options: the matter could be continued, approved, denied or approved with conditions. This is a change of the zoning code so a 3/4 vote of all Trustees is required to approve the ordinance.

Building Commissioner Jane Carlson stated she is opposed to the ordinance. She does not think an ordinance telling people how big their garage can be is in the best interest of the community. Her garage is out of compliance. She believes that as long as the plans are within the setbacks, within the lot coverage restrictions and harmonious with the community homeowners should be able to build what they want. Public Works Commissioner Merle McKittrick said he agrees. He noted that at the last meeting the Board did not have the Design Guidelines in front of it, which he believes adequately address the issue. How we use our space is how we use our space as long as it fits within the ordinances, guidelines and covenants. Parks and Rec Commissioner Carrie McLaughlin said the ordinance was a knee jerk reaction to something that was being presented that people were concerned about. She said there are many large garages in town but they are designed in such a way so that you can't tell how large they are. She noted that we are still trying to deal with how much you can store in Bow Mar on your lot (boats, RVs, etc.) but if you can be creative, people are willing to allow that. Finance Commissioner Marsha Dennis reported that after driving the neighborhood she determined that there are a lot of large garages that were well designed. Lifestyles have changed, styles of house have changed, people have more things, and we have to trust the process. Neighbors have the opportunity to go to ACC if they are concerned about a project. Intergovernmental Commissioner Anne Justen said that the Board believes in property rights, and that construction needs to be harmonious. She said a lot of people would like to trust the process, but some people do not trust the process right now as indicated by preliminary findings of the comprehensive plan. She would like to see the neighbors have more impact on the decision when projects are proposed outside the norm and thinks problems can occur with enormous garage structures relative to the of the home. She reported she has researched garage parameters in other municipalities and compiled a data base of all the homes in Town using garage to home ratios. She stated that the ordinance as drafted is not supported by the data.

Town Attorney Reutzell reminded the Board that this ordinance is a legislative action – it is of general applicability moving forward. It is not addressed toward any one person or application. He suggested that after discussion it is seemed evident that a majority of the Trustees are not in favor of a continuance and that perhaps a hearing should be held.

The Board agreed and opened the public hearing with pro comments first. One resident said she is on the pro side but is not completely in favor of the ordinance as written. She is concerned that ACC is not following the Design Guidelines but is just following the hard numbers. She would like to see garages be integrated with the house and would like to see that garage doors have a defined driveway; otherwise the structure does not appear residential. Residential structures need to look residential on all 4 sides. She does think the Town needs something to clarify the size of garages.

Nine residents spoke against the ordinance. The following is a summary of comments made: several said their garage would not meet the standards as stated in the ordinance. A few noted concern about more variance requests and multiple variance requests on one home. Variances cost homeowners money. Others had not heard previously that there was an issue with garages being too big. The limits are out of line for 1-acre lots. If limits are appropriate, these are not the correct limits and they need to be more carefully determined. Such restrictive size limits may deter potential buyers who are spending large amounts for properties. Some people may raise the size of the house to get a bigger garage. This will encourage more sheds and more parking outside the garage. One was concerned that this is a recurrence of what happened years ago with the house size ordinance that divided the Town and encouraged everyone to try to get along. One questioned the procedural aspects of the ordinance and identified some ambiguities. The provision in the ordinance that prevented the conversion of garage space into living space was questioned. Several expressed concern that there was the appearance that a Trustee had a personal interest in the issue as a neighbor.

The homeowner at 5041 Juniper, who identified herself as the applicant for a large garage that caused this problem, said she appreciates the Town hearing the various perspectives. They are working with the ACC and are taking their suggestions to make their proposal more compatible. She appreciates being allowed to go through the process.

After comment the Trustees agreed to put the ordinance to a vote. It was acknowledged that the provisions in the ordinance were not sufficiently thought out before introduction. Commissioner Dennis remarked that the Board appreciates that even if people disagree they can make comments in a respectful way. Commissioner McKittrick asked ACC Chair David Komatz if ACC needs additional guidance regarding garages in the ordinances. He responded that the ACC Guidelines address their needs at this time. They are fairly well stated and ACC and BMOI are working on updating a few details of the guidelines to give additional clarity on a few areas. He explained that ACC doesn't try to tell people what to do but works with them to make a structure more harmonious with the rest of the community. They are trying to help the community mature.

A motion made to approve Ordinance 301 (Carlson/McKittrick) was rejected by the Board on roll call vote:

Carlson	No	Justen	Recused
Dennis	No	McLaughlin	No
Guilford	Absent	McKittrick	No

First Reading - Request for a 20-foot variance into the south side setback and 15 foot variance into the west rear setback at 5495 Bow Mar Drive (Guthrie) for the construction of a fire pit.

Commissioner Carlson presented the proposal and noted that the homeowners had the fire pit constructed a year ago within the setback but were unaware they needed a variance. They are asking the Board to grant a variance retroactively. The project did not require a

permit because there is no gas service. The homeowner noted that it is essentially a retaining wall with a fire pit – the retaining wall portion is within the setback. They have the consent of all of the neighbors. The request will be set for public hearing at the July 20 meeting after posting and publication.

First Reading - First Reading of Ordinance No. 302, Amending the Agricultural Zone District. Town Attorney Reutzel introduced the revised ordinance. He reminded the Board that the historic King Farm is nonconformity because it is currently zoned Recreation. The owners would like to keep the agricultural uses on the property and to have the right to build a total of three primary structures, with each allowed an accessory structure within the limits stated in the ordinance. One home currently exists on the property. He explained that at last month's meeting the Trustees identified some revisions that needed to be made to the ordinance. He stated the new version of the ordinance provides that each structure needs to be built on a one-acre building envelope, which would each to meet the requirements of Residential 2 District. The accessory structure provisions remain. Aggregating acres among family members to get to the 30-acre minimum for the Agricultural zone would be allowed. However, if one of the lots was conveyed outside of the family then the Agricultural zone would expire and revert back to Recreation. He noted that if at some point the owners would want to build a second residence they will have to subdivide the property and go through the subdivision process. They have agreed to go to ACC for approval of structures on the property. He also noted that this ordinance, as a zoning ordinance, requires publication and a ¾ vote of the Trustees to pass. A motion was made and unanimously approved to set the Ordinance for public hearing in July (Carlson/McLaughlin/5-0/Guilford absent).

Consent Agenda – The Minutes of the Regular Meeting on May 18, 2015 were approved unanimously by motion. (McLaughlin/McKittrick/5-0). The Treasurer's Report and payments made in May 2015 were approved unanimously by motion. McLaughlin McKittrick/5-0).

Commissioner Reports

Public Safety - Public Safety Commissioner Gary Guilford was absent. Police Chief Bret Cottrell reported that there were 68 summonses issued in May including 17 in Bow Mar and 40 calls for service in Bow Mar. They had a vehicle elude police after suspicious activity. The same driver later eluded police in Sheridan and Littleton that same night. There was a dog bite incident and the first marijuana overdose from edibles. Officer Kazmirsky may be transferring to Cherry Hills. Commissioner McLaughlin asked how compliance with golf carts is going. Chief Cottrell said pretty well and people are keeping golf carts off of Bow Mar Drive and instead are driving them on the side streets, which is good.

Finance – Finance Commissioner Marsha Dennis reported that through the end of May total revenues were at 66% of the year-to-date budget while expenditures were at 28%. General government expense was at 47% of their budget, Public Safety 41%, Parks and Rec 20% and Public Works 9%.

The total year to date operating surplus was \$242,258 and the net non-recurring income (building permits and road impact fees less building inspection) was \$47,571 which results in a year to date surplus of \$289,829. The financial statements for May 2015 were approved unanimously by motion. (McKittrick/McLaughlin/5-0).

Building – Building Commissioner Jane Carlson reported that May was a big month, collecting \$48,000+ in permits with 17,000+ in road impact fees. There was a discussion about allowed home footprints along the Cove. Commissioner McLaughlin noted that a street reflector was taken down as part of new construction and needs to be replaced.

Parks & Recreation – Commissioner McLaughlin said there has been a proliferation of grass and weeds after all the rain. She is recommending that homeowners take care of weeds on their property now before they go to seed. They also need to take care of the height of weeds. She said the Town listed the noxious weed website in the May Bulletin and has been in contact with some people who have noxious weeds growing in their yards. It has been muddy and wet and is hoping for compliance as things dry out. There have been problems with the water system and the lights on Sheridan. The water issue seems to be related to the construction on Sheridan. She is trying to figure out why none of the lights are working in that area. She noted they are old fixtures and really need to be replaced although that will be an expensive project. There has been some damage to the Sheridan circle by people pulling trailers through that area. It was reiterated that homeowners are responsible to keep the weeds controlled in the easement along the properties and the properties themselves. Construction sites need to mow along the edges as well.

Public Works - Public Works Commissioner Merle McKittrick reported that a few more street signs are being reported. He filed the street sweeping and sanding report with the State, which was due at the end of June. He is getting a pothole quote from Metro Pavers. Town Engineer Bowman/Vision Land has sent out a bid package and we should be getting bids back soon. He has been getting a lot of calls on the Sheridan project, although it is a Bow Mar Water and Sanitation District project. He understands the main water line has been replaced. The irrigation line at Sheridan appears to have been cut during the project. Wet weather has been slowing them down. He noted that now is the time for the Town to put a new culvert in at Sheridan and Longhorn while the other work is going on – he is looking to see where the water pipes go to see if they have room to put in a new culvert above the new lines. He has contracted with a retaining wall company for the project at Sheridan and Longhorn and that will go in after the water department is done. Commissioner Justen asked if people have cleaned out their culverts or whether some need to be replaced. Commissioner McKittrick noted that there are a number of problem areas around Town. Some people have culverts $\frac{3}{4}$ silted in. It was discussed that with all rain this year, homeowners need to make sure their culverts are cleaned out and if they are crushed they need to be replaced. If they don't comply and they flood other properties it is a nuisance.

Intergovernmental – Commissioner Justen reported that the Town website - bowmar.gov - is up and running after its transition to a new web platform. The new website will be more user friendly and quicker to update. There were a few problems with the conversion, the biggest being the migration of the BMOI social calendar but that seems to be resolved. There are a few more items to be added back in such as the building permit fees schedule. The new trash contract with Republic Service contract has been signed. She will add the new contract terms to the website. There was no DRCOG meeting this month. She found the last DRCOG meeting to be disturbing and questioned continuing the Town's DRCOG membership because she sees little impact for the Town. She noted that the Town could still access all of the same information on their website as non-members.

Clerk Comments – Town Clerk Karen Reutzel reported that the next Regular Meeting of the Board will be held on July 20, 2015. The audit of the 2014 Town financials is wrapping up and the auditor will present his report at the July meeting. She attended the Arapahoe County stakeholders meeting for the fall election and reported that fall election deadlines are rapidly approaching. She spoke with the Mayor and they both recommend that if the Board is interested in putting a use tax proposal on the ballot that it should be in April rather than November so that the Board has the completed comprehensive plan and has adequate time to study the issue before making a proposal, if appropriate. The Board agreed that trying to make the November election was too rushed.

Attorney Comments None.

Mayor's Report Mayor Pilgrim was away on business so had no report.

BMOI Report – BMOI President Chris Murdy reported on BMOI's most recent activities.

Old Business:

Report on Comprehensive Plan Development Process – Commissioner Justen reported that Town consultant Community Matters (CMI) held an open house prior to the Board meeting to share the preliminary results of the comprehensive plan process, which included various maps and tabulated survey and interview results. The information was also presented graphically. About two dozen residents attended. She noted that the various Boards and committees will have a lot to review and digest once the final report is completed. Resident Allen Gerstenberger, who has been assisting the CMI team noted that there was a great 67 percent survey response rate. He discussed the survey process and how matters were tabulated. He said that the individual comments made on the surveys will also be available for review by the various Boards and committees. The draft of the comprehensive plan is being finalized. The process for the Board reviewing and adopting the plan was discussed. The Plan will be an advisory document to the Town and is expected to be 60 pages with appendices. The Board can use it as directional guidance as they evaluate various proposals. Because of its length, a summary document could go out to residents rather than the full plan. The full document

could go on the website or be available for review. The Three Mile Plan is part of the comprehensive plan. The Board discussed having a presentation of the Plan in July and then a public hearing in August to consider adoption of the Plan. Commissioner McLaughlin noted that the Plan will also address BMOI issues that are outside of the Town's purview. Mr. Gerstenberger explained that CMI is viewing this as a community plan rather than a comprehensive plan in a traditional sense. Commissioner Dennis asked how CMI planned to address the confidential interviews – she was interested in how they selected the individuals and the demographics of the group. Mr. Gerstenberger explained the selection process. Commissioner Dennis requested the process be addressed in the plan.

Discussion and Possible Board Action Concerning the Pumphouse on Pinyon – Commissioner McLaughlin has talked to two potential contractors but does not yet have a bid to remove the pumphouse structure.

New Business:

Discussion and Possible Board Action Regarding the Retention of the Building Inspector to Assist with Updates to the Building Code – Commissioner Carlson explained that the Town needs to update the building code. Currently, the Town requires builders to use the IRC 2000 and the plan is to adopt the IRC 2009, which many builders are already voluntarily following. This effort will require the Building Inspector Terry Weis to help the Town review the IRC 2009 and determine what variations to adopt out of the 2009 code and which require amendment. Mr. Weiss thinks it will take him 10 hours or \$1,000 to make the analysis. A motion was made and unanimously approved to authorize this expenditure. (Carlson/McKittrick/5-0). The project will be done in fall with anticipated adoption in January. Commissioner Carlson noted that this is a more complicated project than she initially anticipated.

Adjournment - There being no further business the meeting was adjourned at 9:21 p.m. (McLaughlin/McKittrick/Unanimous). The next Regular Meeting is scheduled for July 20, 2015 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.



Richard D. Pilgrim, Mayor



Karen V. Reutzel, Town Clerk